

## THIRD-PARTY CITATION TO FINANCIAL INSTITUTION IN CRIMINAL CASE

Issued by the

**United States District Court**

NORTHERN DISTRICT OF ILLINOIS

P.O.S

UNITED STATES OF AMERICA

**THIRD PARTY CITATION TO DISCOVER ASSETS**

v.

CASE NUMBER: 19 CR 277

CONCEPCION MALINEK

TO: Citibank, N.A., Attn: Legal Services Intake Unit, 5800 South Corporate Place MC 451 Sioux Falls, South Dakota 57108  
 On April 22, 2021, the court entered judgment in favor of the United States and against Concepcion Malinek, [REDACTED] 3405, and it remains unsatisfied in the total amount of \$97,651.01.

**YOU ARE PROHIBITED** from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which he may be entitled or which may be acquired by or become due to the judgment debtor and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to judgment debtor, until further order of court or termination of the proceedings. You are required to withhold the payment or transfer of any money or other property no more than twice the amount of the unsatisfied judgment.

**YOUR FAILURE TO APPEAR AND ANSWER AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT.**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to be examined under oath to discover assets or income not exempt from the enforcement of the judgment.

PLACE OF TESTIMONY	COURTROOM	DATE AND TIME

YOU ARE COMMANDED to appear in the Office of the United States Attorney at the place, date, and time specified below to be examined under oath to discover assets or income not exempt from the enforcement of the judgment.

PLACE OF TESTIMONY	DATE AND TIME
219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604	August 24, 2021 at 10:30 a.m. <i>A timely written answer will make your personal appearance unnecessary.</i>

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents at the place, date, and time specified above: See attached rider.

**CERTIFICATE OF ATTORNEY**

The undersigned certifies under penalties of perjury provided by law (735 ILCS 5/1-109) that on April 22, 2021 judgment was entered against the defendant in the amount of \$112,645.00 in the **United States District Court for the Northern District of Illinois** in case number 19 CR 277, and the balance now due is \$97,651.01.

*Scott D. Heffron*

Scott D. Heffron, Assistant United States Attorney, 219 S. Dearborn Street, 5th Fl., Chicago, Illinois 60604; (312) 886-4190.

THOMAS G. BRUTON, CLERK

*Miroslava Osorio*

(By) DEPUTY CLERK

THOMAS G. BRUTON, Clerk of the District Court

(By) Deputy Clerk



August 3, 2021

DATE

## PROOF OF SERVICE

DATE	PLACE
SERVED	<u>8/5/2021</u> Citibank, N.A., Attn: Legal Services Intake Unit 5800 South Corporate Place MC 451 Sioux Falls, South Dakota 57108
SERVED ON (PRINT NAME)	MANNER OF SERVICE
Citibank, N.A.	
SERVED BY (PRINT NAME)	TITLE
Pamela Vargas	Legal Assistant

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that I am over 21 years of age and the foregoing information contained in the Proof of Service is true and correct.

Executed on 8/5/2021  
DATE

SIGNATURE OF SERVER

219 S. Dearborn Street, 5th Floor, Chicago, Illinois 60604

ADDRESS OF SERVER

## Notice to judgment debtor pursuant to the Illinois Code of Civil Procedure § 2-1402(b)

## CITATION NOTICE

In the United States District Court  
for the Northern District of Illinois  
219 S. Dearborn St., Chicago, Illinois

United States, Judgment Creditor

v.

Concepcion Malinek, Judgment Debtor  
Lexington FMC  
Register Number 53954-424  
3301 Leestown Road  
Lexington, Kentucky 40511-8799

Amount of judgment: \$112,645.00

This citation is directed to: Citibank, N.A.

**NOTICE:** The court has issued a citation against the person named above. The citation directs that person to appear at the place designated above to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to you, the judgment debtor, or in which you, the judgment debtor, has an interest. The citation was issued on the basis of a judgment against you, the judgment debtor, in favor of the judgment creditor in the amount stated above. On or after the date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment for criminal fines and restitution is limited by federal and Illinois law. The JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE.

Under federal law relating to the enforcement of judgments for criminal fines and restitution, the property exempt from levy is:

(1) Wearing apparel and school books necessary for the debtor or for his family;

- (2) Fuel, provisions, furniture, and personal effects in the debtor's household, and for personal use, livestock, and poultry of the debtor, as does not exceed \$9,690 in value;
- (3) Books and tools of a trade, business, or profession necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$4,850 in value;
- (4) Unemployment benefits payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents).
- (5) Undelivered mail to any person, which has not been delivered to the addressee.
- (6) Certain annuity and pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll, and annuities based on retired or retainer pay under chapter 73 of title 10 of the United States Code.
- (7) Workmen's compensation payable to an individual (including any portion thereof payable with respect to dependents) under a workmen's compensation law.
- (8) Judgments for support of minor children required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children.
- (9) Certain service-connected disability payments payable to an individual as a service-connected (within the meaning of section 101(16) of title 38, United States Code) disability benefit.
- (10) Assistance under Job Training Partnership Act. under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act. (See 18 U.S.C. § 3613(a) and 26 U.S.C. § 6334.)

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at 219 S. Dearborn, 20<sup>th</sup> Floor, Chicago, Illinois 60604. When so notified, the Clerk of the Court will obtain prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the judgment creditor's attorney regarding the time and location of the hearing.

Certificate of Mailing

I certify that within three business days of service on the above-named third party citation respondent a copy of this citation to discover assets and citation notice were sent by first class U.S. Mail to the judgment debtor's last known address, which is Lexington FMC, Register Number: 53954-424, 3301 Leestown Road, Lexington, Kentucky 40511-8799.

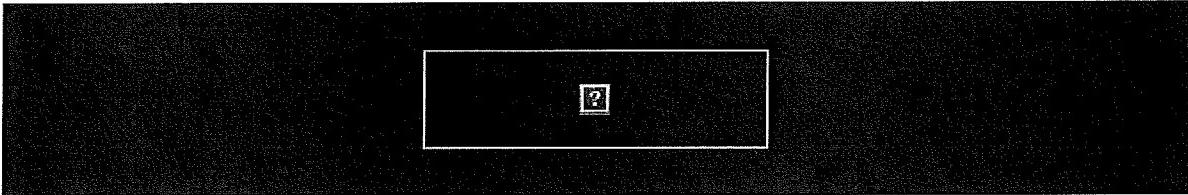
RIDER TO THE THIRD PARTY CITATION TO DISCOVER ASSETS  
SERVED ON CITIBANK, N.A.  
IN UNITED STATES v. CONCEPCION MALINEK  
SSN [REDACTED] 3405, CASE NO. 19 CR 277

The judgment debtor is Concepcion Malinek. Produce all documents and things in your possession or control as they relate to the property, income, or assets of the **judgment debtor** for a three-year period preceding the return date listed on the Citation to Discover Assets including, but not limited to:

1. All records pertaining to open and closed accounts of the judgment debtor, whether held jointly, as trustee or fiduciary, custodian, executor or guardian, including accounts of any entity in which the judgment debtor may have a financial interest. Records should include all accounts in which the judgment debtor had signatory authority and/or the right of withdrawal and should include signature cards or other indicia of ownership for any account maintained by or for judgment debtor, if the account is also owned by someone other than the judgment debtor.
2. Loans or credit made or extended to judgment debtor, whether as principal or guarantor, including, but not limited to, applications for loans or credit, financial statements provided by the judgment debtor, loan correspondence files and internal bank memoranda. Please include documents reflecting disbursement of the loan proceeds (front and back of check, if applicable) and reflecting the means by which the loan repayments were made.
3. Safe Deposit Box records, including contracts, access records, and records of rental fees paid disclosing the date, amount and method of payment.
4. Records of Certificate of Deposit purchased by the judgment debtor, including applications, actual instrument(s), records of purchases and redemptions.
5. Records of U.S. Treasury Notes and Bills purchased by the judgment debtor, including records of the purchase of U.S. Treasury Bills and Notes and/or subsequent sale of such bills or notes.
6. Records of MasterCard and/or Visa credit cards issued to the judgment debtor, including the application, signature card, credit or background investigations conducted, correspondence, and monthly billing statements.
7. Records of the purchase/issuance of bank checks, cashier checks, traveler's checks , or money orders, including the file copies of the checks or money orders, records revealing the date and source of payment, instruments and statements of transactions.
8. Records of wire transfers, letters of credit, bonds and securities purchased through your bank, and/or investments held by your bank. Include such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.
9. Any other documents which may contain information concerning the property, income, or assets of debtor.

**From:** [TrackingUpdates@fedex.com](mailto:TrackingUpdates@fedex.com)  
**To:** [Vargas, Pamela \(USAILN\)](mailto:Vargas, Pamela (USAILN))  
**Subject:** FedEx Shipment 774441797611: Your package has been delivered  
**Date:** Thursday, August 5, 2021 9:18:39 AM

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Hi. Your package was  
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Delivered to 5800 S CORPORATE PL, SIOUX FALLS, SD 57108  
Received by D.BIERIG

**OBTAI N PROOF OF DELIVERY**

**TRACKING NUMBER** [774441797611](#)

**FROM** Pamela Vargas  
219 S. Dearborn Street  
Room 500  
CHICAGO, IL, US, 60604

**TO** Attn: Legal Services Intake Unit  
Citibank, N.A  
5800 South Corporate Place MC 451  
SIOUX FALLS, SD, US, 57108

**SHIP DATE** Wed 8/04/2021 04:58 PM

<b>DELIVERED TO</b>	Shipping/Receiving
<b>PACKAGING TYPE</b>	FedEx Envelope
<b>ORIGIN</b>	CHICAGO, IL, US, 60604
<b>DESTINATION</b>	SIOUX FALLS, SD, US, 57108
<b>SPECIAL HANDLING</b>	Deliver Weekday DSR
<b>NUMBER OF PIECES</b>	1
<b>TOTAL SHIPMENT WEIGHT</b>	0.50 LB
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